

1 BILL NO. R-91-01- 08

2 RESOLUTION NO. R- 04-91

3 A RESOLUTION OF THE COMMON  
4 COUNCIL OF THE CITY OF FORT  
5 WAYNE, INDIANA, REQUESTING  
6 ASSISTANCE FOR FLOOD FIGHTING  
7 AND RESCUE OPERATIONS FROM THE  
8 U.S. ARMY CORPS OF ENGINEERS.

9 WHEREAS, Public Law 99, 84th Congress, as amended,  
10 (33 U.S. Code, Section 701 n) provides a means of preparing  
11 for and combating damage by floods and flood water; and

12 WHEREAS, the City of Fort Wayne has exhausted all  
13 resources available to it for flood emergency preparation  
14 and flood fighting and rescue operations; and

15 WHEREAS, on the date of this Resolution emergency  
16 flood preparation is needed and assistance required for this  
17 purpose as well as for flood fighting and rescue operations.

18 NOW, THEREFORE, BE IT RESOLVED BY THE COMMON  
19 COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

20 SECTION 1. That the U.S. Army Corps of Engineers  
21 be, and is hereby, requested to furnish assistance in flood  
22 emergency preparation and in flood fighting and rescue  
23 operations.

24 SECTION 2. That in consideration of such  
25 assistance the above-named Governmental body agrees to:

- 26 a. Provide without cost to the United States all  
27 lands, easements and rights-of-way for the  
28 emergency work, including, but not limited to  
29 leave, borrow, spoil and access rights-of-way.  
30 b. Hold and save the United States free from all  
31 claims for damages attributable to the  
32 construction works except for damages due to the  
fault or negligence of the United States or its  
Contractors.  
c. Operate and maintain the emergency construction  
works for the duration of the flood emergency.  
d. Provide as required under the applicable  
provisions of Public Law 91-646 relocation

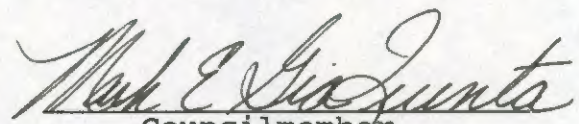


1 assistance payments to those eligible because of  
2 dislocation of persons or property from their  
3 dwellings, farms or businesses due to the  
4 acquisition of rights-of-way for the emergency  
5 flood construction work.

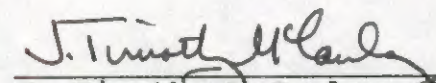
- 6 e. Remove after the flood emergency without cost to  
7 the U.S. Army Corps of Engineers, any temporary  
8 emergency works constructed for the flood  
9 emergency.

10 SECTION 3. That the Mayor of the City of Fort  
11 Wayne be authorized to enter into agreements with the Corps  
12 of Engineers as to the means of supplementing the local  
13 flood emergency preparation and flood fighting and rescue  
14 operations.

15 SECTION 4. That this Ordinance shall be in full  
16 force and effect from and after its passage and any and all  
17 necessary approval by the Mayor.

18   
19 Councilmember

20  
21 APPROVED AS TO FORM  
22 AND LEGALITY

23   
24 J. Timothy McCaulay, City Attorney



Read the first time in full and on motion by Sandra E. Kennedy, seconded by Talarico, and duly adopted, read the second time title and referred to the Committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.

DATED: 1-8-91

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Sandra E. Kennedy, seconded by Talarico, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>9</u>			
BRADBURY	<u>✓</u>			
BURNS	<u>✓</u>			
EDMONDS	<u>✓</u>			
GIAQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
REDD	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 1-22-91

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. B-04-91

on the 22nd day of January, 1991.

Sandra E. Kennedy ATTEST  
SANDRA E. KENNEDY, CITY CLERK

SEAL  
Samuel J. Talarico  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of January, 1991 at the hour of 11:30 o'clock P. M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 28th day of January 1991, at the hour of 3:30 o'clock P. M., E.S.T.

PAUL HELMKE  
PAUL HELMKE, MAYOR



DIGEST SHEET

TITLE OF ORDINANCE RESOLUTION

DEPARTMENT REQUESTING ORDINANCE MAYOR'S OFFICE

SYNOPSIS OF ORDINANCE RESOLUTION AUTHORIZING MAYOR OF THE CITY OF

FORT WAYNE TO ENTER INTO AN AGREEMENT WITH THE U.S. ARMY CORPS

OF ENGINEERS TO FURNISH ASSISTANCE IN FLOOD EMERGENCY PREPARATION

AND FLOOD FIGHTING/RESCUE OPERATIONS.

Q-91-01-08

EFFECT OF PASSAGE U.S. ARMY CORPS OF ENGINEERS WILL BE AUTHORIZED TO

ASSIST IN FLOOD EMERGENCY OPERATIONS.

EFFECT OF NON-PASSAGE U.S. ARMY CORPS OF ENGINEERS WILL NOT PARTICIPATE

IN FLOOD EMERGENCY WORK.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) \_\_\_\_\_

ASSIGNED TO COMMITTEE (PRESIDENT) \_\_\_\_\_

BILL NO. R-91-01-08

REPORT OF THE COMMITTEE ON FINANCE

MARK E. GiaQUINTA, CHAIRMAN  
DONALD J. SCHMIDT, VICE CHAIRMAN  
BRADBURY, REDD, BURNS

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS  
RESOLUTION  
REFERRED AN ~~ORDINANCE~~ (~~RESOLUTION~~) OF THE COMMON COUNCIL  
OF THE CITY OF FORT WAYNE, INDIANA, REQUESTING ASSISTANCE FOR  
FLOOD FIGHTING AND RESCUE OPERATIONS FROM THE U.S. ARMY CORPS  
~~OF~~ ENGINEERS

HAVE HAD SAID (~~ORDINANCE~~) (RESOLUTION) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(~~ORDINANCE~~) (RESOLUTION)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

*[Signature: Mark E. GiaQuinta]*  
*[Signature: Donald J. Schmidt]*

DATED: 1-22-91

Sandra E. Kennedy  
City Clerk